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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company to Establish a Demonstration Climate Protection Program and Tariff Option	Application No. 06-01-012

PACIFIC GAS AND ELECTRIC COMPANY'S REPLY COMMENTS ON PROPOSED DECISION ESTABLISHING A DEMONSTRATION CLIMATE PROTECTION PROGRAM AND TARIFF OPTION

GAIL L. SLOCUM
ANDREW L. NIVEN

Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-6583
Facsimile: (415) 973-0516
E-Mail: GLSg@pge.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: November 27, 2006

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I. INTRODUCTION

Pursuant to Rule 14.3(d) of the Rules of Practice and Procedure of the California Public Utilities Commission (CPUC), Pacific Gas and Electric Company (PG&E) files these reply comments on the Proposed Decision (PD) issued by Administrative Law Judge (ALJ) Sarah Thomas on October 31, 2006 in the above-referenced proceeding. In this reply, PG&E responds to comments from The Utility Reform Network (TURN), the Division of Ratepayer Advocates (DRA), and Aglet Consumer Alliance (Aglet), received on November 20, 2006.

For the reasons herein and as presented in the proceeding, the Commission should reject the PD unless it is modified as suggested in PG&E's opening comments and: (1) reject DRA's request to require shareholder funding as it is illegal; (2) reject TURN's continued argument for an equal cents allocation methodology as it is inconsistent with the allocation of other similar costs; (3) reject TURN's comments that PG&E's budget is excessive as it has been specifically designed for a successful program and will be comparable to similar programs by the third year; and (4) agree with comments from DRA that PG&E should explore tax deductibility for residential customers per the PD, and from Aglet that the CPT should not be prejudged in regard to cost-effectiveness.

II. THE CPUC SHOULD REJECT DRA'S UNPRECEDENTED REQUIREMENT THAT PG&E'S SHAREHOLDERS FUND 25% OF THE COSTS TO RUN THIS TARIFFED PUBLIC PURPOSE PROGRAM

At page 2 of its comments, DRA argues that the PD should require PG&E's shareholders to pay a portion – one quarter – of the CPT's administrative and marketing (A&M) costs. Rather, the Commission should support the PD's decision to strongly encourage but stop short of requiring that shareholders bear the program's A&M costs at this juncture. DRA's position to the contrary should be rejected on both procedural and substantive grounds.

First, DRA's request is procedurally flawed. Its comments do not comply with Rule 14.3(d) which requires that comments focus on factual, technical or legal errors in the PD -- none of which were raised in Section II.A. Instead, this section of DRA's comments represents mere re-argument, which the

CPUC can and should disregard. Second, DRA's argument fails substantively as well. It does not point to a single precedent to provide substantive support for its unorthodox approach. And the record in this case clearly shows why: there simply is no precedent for requiring shareholder funding for a tariffed program.

Although the PD, at pp. 14 – 15 cites to PG&E's shareholder-funded Solar Schools and REACH programs, PG&E undertook these efforts of its own accord – neither was required by any order of the Commission, and neither is subject to a tariff. Thus, PG&E would be free to discontinue these efforts at any time. However, if the CPUC proceeds to approve the CPT, that act would require PG&E to offer this tariff to its customers on the terms set forth by the CPUC's decision. Thus the CPT is entirely distinguishable from the Solar Schools and REACH programs, neither of which serves as a precedent for any requirement of shareholder funding for the CPT's A&M costs. Therefore, the PD should be modified to delete its mention of the Solar Schools and REACH programs or at minimum distinguish them from the CPT.[1] For the same reason, the Commission should delete from the PD the sentence "However the public purpose programs are not voluntary programs such as PG&E's proposed CPT." (PD p.16 lines 4 – 5.) In fact, the public purpose programs and the CPT are "voluntary" in exactly the same way – customers make a voluntary choice to participate in a program that PG&E is required to offer based on a CPUC order. Once adopted as a tariff, PG&E must make the CPT available under the terms established by the CPUC, just as is done for other public purpose programs. From that point on, PG&E will not "make the rules" as the PD incorrectly states at line 10.

It must be remembered that PG&E proposed the CPT in response to Commission President Peevey's clarion call for utility leadership to find innovative solutions to help meet the Governor's climate change targets and address this urgent public policy challenge.[2] Adoption of DRA's unprecedented proposal to require shareholder funding of program operating costs would have a chilling effect on any other utility considering similarly stepping forward to address climate change.

Rather, the PD was right to note that shareholders never pay the costs of PG&E's other public purpose programs, such as its customer energy efficiency programs or its low income programs such as California Alternative Rates for Energy (CARE) and Low Income Energy Efficiency (LIEE). (PD at p. 16 lines 1 – 4.) Clearly the CPT accomplishes a public good and provides public benefits, as TURN's witness admitted (Roschelle, TR p.268, line 3), and AECA's witness saw the CPT as "another type of

[1] Footnote 7 of the PD, cites to TURN's claim that other utilities in California have made shareholder contributions to support demonstration programs, citing only to San Diego Gas and Electric (SDG&E) spending "several million dollars of shareholder money" on a pilot project to test broadband over power lines (TURN Opening Brief at p.36, citing D.06-04-070, p.19)). The PD misinterprets this example. The decision suggests that SDG&E shareholders decided to invest shareholder monies in a pilot program with the hope that the pilot program would yield fruits that could be used by a utility affiliate in a profit-making enterprise. As PG&E noted in its reply brief (pp. 48–49), this does not represent a CPUC order for shareholder funding of a tariffed service offering like the CPT.

[2] "PUC Takes Unprecedented Leadership Role in Addressing Climate Change," CPUC News Release, February 2, 2005 (located at http://www.cpuc.ca.gov/published/news_release/43602.htm.)

public purpose program that have broad customer benefits and are funded by ratepayers." (Boccadoro, TR p.187.)

Consistent with the PD's "strong encouragement" that the company consider some other means for shareholders to assist the CPT program in achieving its goals, PG&E is exploring appropriate and effective ways it might choose to do so – of its own accord. There is, however, absolutely no basis for the CPUC to require shareholders to pay for A&M costs. As was shown in PG&E's opening brief at pp. 67 - 81 and reply brief at pp. 44 – 56, DRA's proposal is illegal and would violate the regulatory compact.

The PD already puts PG&E's shareholders at risk through its minimum guaranteed greenhouse gas (GHG) reduction. It would be unduly punitive, and contrary to precedent for the reasons above, to also include a requirement -- uniquely for the CPT -- that shareholders contribute 25% of A&M costs on top of the PD's minimum guarantee mechanism. Thus for the procedural, legal and policy reasons set forth above, the PD was correct in rejecting DRA's argument, though the above-referenced clarifying changes should be made to the PD's text.

III. THE COMMISSION SHOULD REJECT TURN'S REQUEST FOR "EQUAL CENTS" ALLOCATION FOR A&M COSTS, PER RECORD EVIDENCE

In its comments, TURN states the PD should be revised to allocate costs on an equal cents per therm or kWh methodology, as opposed to the distribution allocation methodology formulated in PG&E's General Rate Case. Per record evidence and the discussion in the PD (at p. 25), PG&E disagrees with TURN's assertions, and supports this portion of the PD.

PG&E has proposed to treat the program's administrative and general costs in the same manner as such other costs. As stated on the record numerous times (Ex. 3, p.2-15 to 2-17; Opening Brief, p.52-54; Reply Brief p.36), cost allocations applied to PG&E's electric and gas distribution rates are thoroughly litigated in the relevant proceedings, to which TURN is a party. The Commission should avoid establishing separate allocations and/or ratemaking for such small increments in revenue requirements.[3]

TURN continues to present concerns regarding precedent and an unequal allocation to residential customers in its comments as it did during the proceeding. PG&E reiterates here two responses that it has already made on the record rebutting TURN's assertions. First, residential customers will not bear an unfair share of costs. They are expected to be 90 percent of the participants and a little over 50 percent of premium revenues; thus, as the PD rightly noted, it is reasonable and appropriate to assign the residential class approximately 48 percent of the costs through the electric distribution revenue allocation methodology and 73 percent through the gas distribution methodology. A further indicator of the reasonableness of the PD's allocation of A&M costs stems from the fact that these costs will be incurred

[3] In Exhibit 3, page 2-16, PG&E noted that even if all A&M costs were assigned to all customers, annual program costs would amount only approximately to 0.15 percent of PG&E's total annual revenues.

to attract customers to the program; therefore, they are reasonably reflected on a per customer basis. Second, PG&E's proposed allocation for CPT A&M costs is consistent with precedent, as most public purpose and mandated social electric programs -- including energy efficiency, California Solar Initiative, and Demand Response -- utilize allocations based on revenues by rate class, not by equal cents. In noting that CARE cost allocation is performed on an equal cents per kWh basis, TURN completely misses the point that all electric public purpose programs except CARE are allocated on a percent of revenue basis. Further, TURN's selective citation to the gas SGIP allocation as a precedent is misleading because TURN ignores the fact that other public purpose programs are allocated on an equal percent of revenue. TURN has yet to present evidence that PG&E's proposed allocation is inappropriate and as such the PD correctly rejects TURN's approach.

Finally, it is a significant overstatement for TURN to assert that if other programs were allocated on the basis of revenue, residential rates would increase. First, PG&E is not proposing an allocation method for any other public purpose program in this proceeding. Second, on the electric side, other public purpose programs are already allocated on a method other than equal cents, rendering this concern moot for electric rates. For gas rates, while some gas programs are allocated on the equal cents per therm basis TURN prefers, gas energy efficiency costs are not. Considering that the CPT's A&M costs result in only a 2 – 4 cents a month bill impact for the typical residential customer, TURN's argument, which overreaches the ratemaking issues in this proceeding, is properly rejected in the PD.

IV. PG&E'S ADMINISTRATIVE AND MARKETING BUDGET IS JUSTIFIED FOR A START-UP PROGRAM

At page 5 of its comments, TURN argues that PG&E's A&M budget is excessive and not justified based on the record presented. Yet, TURN fails to present any factual evidence or even recommend a budget for the program. PG&E continues to disagree with TURN's claims as shown by record evidence that PG&E's proposed A&M budget is "just right" and has been carefully and appropriately sized for the successful launch for a first-of-its-kind, start-up program. (Ex.1, p.3-14; Opening Brief, pp.10-11.) Furthermore, PG&E developed its marketing budget based on customer acquisition costs benchmarked against other successful utility green programs. Evidence clearly showed that, in comparison to data from the National Renewable Energy Laboratory (NREL), by Year 3, PG&E estimates that CPT A&M costs compared to total program revenues will be equal to, if not lower than, the average costs of more mature, analogous "green pricing" programs. (Ex. 3, p.1-3.) No party has disputed the fact that, once this start-up program's enrollment ramps up and reaches a steady state, its operational costs will decrease significantly -- yet its benefits will stay steady. (*See, e.g.,* TURN, Roschelle, TR p.258, lines 27-28 to p.259 lines 1-2.) Thus, PG&E's budget is justified to ensure this start-up program succeeds, and per the PD; TURN's comments to the contrary should be rejected.

V. PG&E AGREES WITH DRA'S COMMENTS THAT PG&E SHOULD INVESTIGATE TAX DEDUCTIBILITY

At page 4 of its comments, DRA expresses support for the PD's language (at pp.29, 40 and 43) requiring PG&E to take steps to investigate the tax deductibility for residential customers and then prepare a report submitted via advice filing no later than March 1, 2007. DRA then requests that the Commission clarify that Energy Division can prepare a resolution for Commission consideration on the matter. PG&E supports these DRA comments and hopes that, after PG&E has examined the feasibility of tax deductibility for residential CPT customers, a way might be found that could satisfy the concerns of both business and residential customers on this issue.

VI. AGLET IS CORRECT IN REGARD TO COST-EFFECTIVENESS STATEMENT

Aglet's comments (p.1-2) request that the Commission delete the following phrase from the PD, "it [CPT Program] could never meet such a [cost-effectiveness] test." (PD, p.20.) Aglet requests this phrase be removed, as there is no evidence to support such a determination. PG&E agrees; the PD should not prejudge the outcome of the CPT program in this way.

VII. CONCLUSION

For the foregoing reasons, PG&E respectfully requests that the Commission reject the PD unless it is revised as set forth in PG&E's opening comments, and reject arguments or accept modifications as specifically noted above.

Respectfully submitted,

GAIL L. SLOCUM
ANDREW L. NIVEN

/S/
By Gail L. Slocum

Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-6583
Facsimile: (415) 973-0516
E-Mail: GLSg@pge.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: November 27, 2006

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 27th of November, 2006, I served a true copy of:

[X] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for A.06-01-012 et al. with an e-mail address.

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I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 27, 2006, at San Francisco, California.

/S/
ALENE DEYEIN

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CPUC DOCKET NO. A0601012 CPUC REV 11-06-06

Total number of addressees: 49

CALIFORNIA ENERGY MARKETS
517-B POTRERO AVE
SAN FRANCISCO CA 94110
FOR: CALIFORNIA ENERGY MARKETS
Email: cem@newsdata.com
Status: INFORMATION

MRW & ASSOCIATES, INC.
1999 HARRISON ST, STE 1440
OAKALND CA 94612
Email: mrw@mrwassoc.com
Status: INFORMATION

GREGORY BACKENS
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO CA 94177
Email: GAB4@pge.com
Status: INFORMATION

MIKE BURNETT EXECTIVE DIRECTOR
THE CLIMATE TRUST
65 S.W. YAMHILL ST, STE 400
PORTLAND OR 97204
Email: mburnett@climatetrust.org
Status: INFORMATION

JONATHAN CHANGUS
THE PACIFIC FOREST TRUST
1001A OREILLY AVE
SAN FRANCISCO CA 94129
Email: jchangus@pacificforest.org
Status: INFORMATION

RICHARD H. COUNIHAN MANAGING DIRECTOR-CALIFORNIA
ECOS CONSULTING
433 CALIFORNIA ST, STE 630
SAN FRANCISCO CA 94104
Email: rcounihan@ecosconsulting.com
Status: APPEARANCE

RALPH DENNIS DIRECTOR, REGULATORY AFFAIRS
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE, STE 2000
LOUISVILLE KY 40223
Email: ralph.dennis@constellation.com
Status: INFORMATION

PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO CA 94120-7442
Email: lawcpuccases@pge.com
Status: INFORMATION

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., RM. 370
ROSEMEAD CA 91770
Email: case.admin@sce.com
Status: INFORMATION

CURT BARRY
717 K ST, STE 503
SACRAMENTO CA 95814
Email: curt.barry@iwpnews.com
Status: INFORMATION

MELISSA CAPRIA
CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF ENVIRONMENT
11 GROVE ST
SAN FRANCISCO CA 94102
Email: melissa.capria@sfgov.org
Status: INFORMATION

JANET COMBS
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE
ROSEMEAD CA 91770
Email: Janet.Combs@sce.com
Status: INFORMATION

Matthew Deal
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: mjd@cpuc.ca.gov
Status: STATE-SERVICE

PIERRE H. DUVAIR
CALIFORNIA ENERGY COMMISSION
1516 NINTH ST, MS-41
SACRAMENTO CA 95814
Email: pduvair@energy.state.ca.us
Status: STATE-SERVICE

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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Commissioner Assigned: Dian Grueneich on April 18, 2006; ALJ Assigned: Sarah R. Thomas on January 27, 2006

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Total number of addressees: 49

BILL EDMONDS DIRECTOR, ENVIORN POLICY & SUSTAINABILIT
NW NATURAL
220 NW SECOND ST
PORTLAND OR 97209
Email: wre@nwnatural.com
Status: INFORMATION

BJORN FISCHER
THE CLIMATE TRUST
65 S.W. YAMHILL ST, STE. 400
PORTLAND OR 97204
Email: bfischer@climatetrust.org
Status: INFORMATION

DAN GEIS
AGRICULTURAL ENERGY CONSUMERS ASSO.
925 L ST, STE 800
SACRAMENTO CA 95814
Email: dgeis@dolphingroup.org
Status: APPEARANCE

Jacqueline Greig
CALIF PUBLIC UTILITIES COMMISSION
ENERGY COST OF SERVICE & NATURAL GAS BRANCH
505 VAN NESS AVE RM 4102
SAN FRANCISCO CA 94102-3214
Email: jnm@cpuc.ca.gov
Status: STATE-SERVICE

MARC D. JOSEPH ATTORNEY
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., STE. 1000
SOUTH SAN FRANCISCO CA 94080
Email: mdjoseph@adamsbroadwell.com
Status: INFORMATION

Diana L. Lee
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 4300
SAN FRANCISCO CA 94102-3214
Email: dil@cpuc.ca.gov
Status: APPEARANCE

RONALD LIEBERT ATTORNEY
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO CA 95833
Email: rliebert@cfbf.com
Status: INFORMATION

DIANE I. FELLMAN ATTORNEY
FPL ENERGY, LLC
234 VAN NESS AVE
SAN FRANCISCO CA 94102
Email: diane_fellman@fpl.com
Status: INFORMATION

MATTHEW FREEDMAN ATTORNEY
THE UTILITY REFORM NETWORK
711 VAN NESS AVE, STE 350
SAN FRANCISCO CA 94102
FOR: TURN
Email: freedman@turn.org
Status: APPEARANCE

HAYLEY GOODSON ATTORNEY
THE UTILITY REFORM NETWORK
711 VAN NESS AVE, STE 350
SAN FRANCISCO CA 94102
FOR: TURN
Email: hayley@turn.org
Status: APPEARANCE

SAM HITZ
CALIFORNIA CLIMATE ACTION REGISTRY
515 S. FLOWER ST, STE 1640
LOS ANGELES CA 90071
Email: sam@climateregistry.org
Status: INFORMATION

KEVIN KNAUSS
SPRINKLER SERVICE & SUPPLY, INC.
5733 MANZANITA AVE.
CARMICHAEL CA 95608
Email: kknauss@surewest.net
Status: INFORMATION

JOHN W. LESLIE ATTORNEY
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
11988 EL CAMINO REAL, STE 200
SAN DIEGO CA 92130
Email: jleslie@luce.com
Status: INFORMATION

JODY S. LONDON
JODY LONDON CONSULTING
PO BOX 3629
OAKLAND CA 94609
Email: jody_london_consulting@earthlink.net
Status: INFORMATION

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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Commissioner Assigned: Dian Grueneich on April 18, 2006; ALJ Assigned: Sarah R. Thomas on January 27, 2006

CPUC DOCKET NO. A0601012 CPUC REV 11-06-06

Total number of addressees: 49

JAY LUBOFF
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MC B9A
SAN FRANCISCO CA 94177
Email: J1Ly@pge.com
Status: INFORMATION

BRUCE MCLAUGHLIN ATTORNEY
BRAUN & BLAISING P.C.
915 L ST, STE 1420
SACRAMENTO CA 95814
Email: mclaughlin@braunlegal.com
Status: INFORMATION

STEPHEN A. S. MORRISON DEPUTY CITY ATTORNEY
OFFICE OF CITY ATTORNEY DENNIS J. HERRER
CITY HALL, STE 234
SAN FRANCISCO CA 94102
Email: stephen.morrison@sfgov.org
Status: INFORMATION

Lainie Motamedi
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF STRATEGIC PLANNING
505 VAN NESS AVE RM 5119
SAN FRANCISCO CA 94102-3214
Email: lrm@cpuc.ca.gov
Status: STATE-SERVICE

JOHN NICKERSON
PACIFIC FOREST TRUST
3461 BURNETTE WAY
UKIAH CA 95482
Email: jnickerson@pacificforest.org
Status: INFORMATION

LARRY NIXON
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, MC B10A
SAN FRANCISCO CA 94105
Email: lrn3@pge.com
Status: INFORMATION

MICHELLE PASSERO
THE PACIFIC FOREST TRUST
1001A OREILLY AVE
SAN FRANCISCO CA 94129
Email: mpassero@pacificforest.org
Status: INFORMATION

RASHA PRINCE
SAN DIEGO GAS & ELECTRIC
555 WEST 5TH ST, GT14D6
LOS ANGELES CA 90013
Email: rprince@semprautilities.com
Status: INFORMATION

SHILPA RAMALYA
77 BEALE ST, RM 981
SAN FRANCISCO CA 94105
Email: srrd@pge.com
Status: INFORMATION

ALEXANDER RAU
CLIMATE WEDGE LTD.
19 BROMELY PL.
SAN FRANCISCO CA 94115
Email: alexander.rau@climatewedge.com
Status: INFORMATION

GREG SAN MARTIN
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, MAIL CODE B24A
SAN FRANCISCO CA 94105
Email: gjs8@pge.com
Status: INFORMATION

GAIL L. SLOCUM ATTORNEY
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST
SAN FRANCISCO CA 94105
FOR: Pacific Gas and Electric
Email: glsg@pge.com
Status: APPEARANCE

JEANNE M. SOLE DEPUTY CITY ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM. 234
SAN FRANCISCO CA 94102
FOR: City and County of San Francisco
Email: jeanne.sole@sfgov.org
Status: INFORMATION

Merideth Sterkel
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: mts@cpuc.ca.gov
Status: STATE-SERVICE

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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Total number of addressees: 49

Sarah R. Thomas
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
505 VAN NESS AVE RM 5105
SAN FRANCISCO CA 94102-3214
Email: srt@cpuc.ca.gov
Status: STATE-SERVICE

ANDREW J. VAN HORN
VAN HORN CONSULTING
12 LIND COURT
ORINDA CA 94563
Email: andy.vanhorn@vhcenergy.com
Status: INFORMATION

JAMES WEIL DIRECTOR
AGLET CONSUMER ALLIANCE
PO BOX 37
COOL CA 95614
FOR: Aglet Consumer Alliance
Email: jweil@aglet.org
Status: APPEARANCE

ERIC YUSSMAN REGULATORY ANALYST
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE
LOUISVILLE KY 40223
Email: eyussman@knowledgeinenergy.com
Status: INFORMATION

MARK C. TREXLER
TREXLER CLIMATE+ENERGY SERVICES, INC.
529 SE GRAND AVE,M STE 300
PORTLAND OR 97214-2232
Email: mtrexler@climateservices.com
Status: INFORMATION

LAURIE A. WAYBURN
THE PRESIDIO
1001A OREILLY AVE
SAN FRANCISCO CA 94129
Email: pft@pacificforest.org
Status: INFORMATION

JOSEPHINE WU
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE B9A
SAN FRANCISCO CA 94177
Email: jwwd@pge.com
Status: INFORMATION